

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

COMMONWEALTH OF  
MASSACHUSETTS,

Plaintiff,

vs.

UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES, et al.,

Defendants.

Case No. 1:09-11156-JLT

**NOTICE OF APPEAL**

Notice is hereby given that Representative Lamar Smith, the Proposed Intervenor-Defendant in the above-named matter, hereby appeals to the United States District Court of Appeals For the First Circuit from the final judgment entered in this action on August 12, 2010.

Respectfully submitted this the 5th day of October, 2010.

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 5, 2010, I electronically submitted the foregoing document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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